

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

Office of the Clerk

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NOTICE OF RE- SETTING
Before Judge Mark S. Norris, United States District Judge

May 6, 2025

RE: Case No.2:25-cv-02101-MSN
Agilent Technologies, Inc. v. Xpedient Management Group, LLC, et al.

Counsel:

A **SCHEDULING CONFERENCE** pursuant to Federal Rule of Civil Procedure 16(b) has been **RE-SET** on **FRIDAY, JULY 11, 2025, at 09:30 AM** before **Judge Mark S. Norris via Microsoft Teams Video Conference**. The Court will email each attorney a Teams invitation at least two (2) days before the conference. Click links below for instructions on downloading the proper extensions for your computer:

[Joining a Meeting in Teams](#)

[Joining a Meeting Without a Teams Account](#)

PLEASE REVIEW THE ATTACHED INSTRUCTIONS.

If the parties consent to trial by the magistrate judge, please file your [consent](#) and this conference will be cancelled.

Counsel should be prepared to discuss all pending motions.

If you have any questions, please contact the case manager at the telephone number or email address provided below.

Sincerely,

WENDY R. OLIVER, CLERK

BY: s/ Zandra Frazier
Zandra Frazier, Case Manager
901-495-1277
zandra_frazier@tnwd.uscourts.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CASE MANAGEMENT INSTRUCTIONS—STANDARD TRACK CIVIL CASES

Federal Rule of Civil Procedure (“Rule”) 26 and Local Rule 16 shall guide the conduct of the parties in their preparation of the case.

A. SCHEDULING CONFERENCE

A Rule 16 scheduling conference will be conducted by the Court as soon as possible, but no later than within 180 days after the filing of the complaint or within 60 days of the filing of the return of service or waiver of service of the last defendant, whichever is earlier.

B. ATTENDANCE REQUIRED

The attendance of counsel with significant knowledge of the case and all unrepresented parties is required at the scheduling conference. Counsel and unrepresented parties must be prepared to address any pending motions as well as motions which may be raised orally at the conference. Counsel and unrepresented parties must also be prepared to discuss the case in depth and make binding decisions regarding how the case will proceed.

By default, scheduling conferences are set to occur via Microsoft Teams as a video/virtual conference. If, however, the scheduling conference is set in person, the Court prefers to have counsel present in the courtroom at the conference; out-of-town counsel may file a motion to request permission to participate in the conference by phone. The request to participate by phone must be filed at least five (5) days prior to the conference and must include the names and telephone numbers of all parties participating via phone.

C. BEFORE THE SCHEDULING CONFERENCE: MEET AND CONFER

First, pursuant to Rule 26(f), the parties shall, at least twenty-one (21) days prior to the Rule 16 scheduling conference, meet to discuss and prepare a proposed discovery plan that outlines the discovery needed in this case. Please see Form 52, Appendix to Federal Rules of Civil Procedure for a checklist of the items to be discussed at the Rule 26(f) meeting that should be included in your written report.

Second, the parties shall (1) file with the Court a written report outlining the proposed discovery plan, and (2) submit a Microsoft Word version of their proposed scheduling order, using the format of Exhibit “A,” to ECF_Judge_Norris@tnwd.uscourts.gov **at least seven (7) days** before the scheduling conference. (A Word version of Exhibit “A” is available by clicking on the “Standard Track” link on the “Scheduling Conference” Tab of the Court’s website, and the Court strongly encourages parties to use it.) **Please propose appropriate deadlines for the specific**

case at issue, rather than simply default to the approximated schedule from the form order attached.

D. SUBJECTS TO BE DISCUSSED AT SCHEDULING CONFERENCE

Generally, at the scheduling conference, the following subjects will be addressed:

The status of the case, the general nature of the claims and defenses, issues in the case, and potential use of experts;

1. Jurisdictional and statute of limitations issues (if motions have not already been filed, the Court should be advised at the scheduling conference that there are preliminary matters which require early disposition);¹

2. Setting of all deadlines in the case (see Exhibit “A”), as well as the trial date, pretrial conference and other appropriate deadlines (the court expects to set a definite trial date for this case that does not conflict with criminal case settings and is consistent with the particular needs of this case);

3. Whether the parties consent to all further proceedings in the case being handled by the magistrate judge in accordance with 28 U.S.C. § 636(c) (including entry of final judgment, with any appeal directly to the Sixth Circuit Court of Appeals);

4. The possibility of settlement, your position regarding settlement, your proposed deadline to engage in alternative dispute resolution and whether you have reached an agreement on the selection of a mediator;

5. Status of all document discovery (parties are encouraged to promptly exchange core document information and, where necessary, to promptly issue requests for production of documents and subpoenas duces tecum to third parties);

6. Any anticipated discovery problems (i.e., the necessity of protective orders, the necessity of inspection of facilities, witness unavailability, delays that may be occasioned because of an individual’s physical or mental condition, etc.);

7. Estimated trial length, and any special issues anticipated in connection with trial; and

8. Any pending motions or motions which may be raised orally at the conference.

E. SCHEDULING ORDER TO BE ENTERED

The Court will enter a scheduling order following the scheduling conference. The scheduling order will be based on the proposed order that counsel submit and the discussion at the

¹ Similarly, questions of class certification, qualified immunity, or conflict of interest should be raised at the first possible occasion and no later than the initial Rule 16(b) scheduling conference.

conference. The dates adopted will be those that meet the needs of the specific case at issue, even if the dates provide for a shorter schedule for the matter.

F. SANCTIONS FOR FAILURE TO APPEAR

Failure to appear at the scheduling conference, or to comply with the directions of the Court, as set forth herein, may result in an *ex parte* hearing being held and the entry of such order as is just, including a judgment of dismissal with prejudice or entry of a default judgment, or other appropriate sanctions, such as attorneys' fees and expenses of opposing counsel, without further notice to the party who fails to appear.

Exhibit "A"

[DATE & TIME OF SCHEDULING CONFERENCE]

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

NAME(S),

Plaintiff[s],

v.

Case No. 2: ____-cv-____-MSN-____
[JURY DEMAND]

NAMES(S),

Defendant[s].

JUDGE NORRIS'S SAMPLE STANDARD TRACK SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held on _____, at _____ a.m. before Judge Mark S. Norris via Microsoft Teams Video Conference. Present were _____, counsel for Plaintiff(s), and _____, counsel for Defendant(s). Prior to the scheduling conference, on _____, the parties met and conferred in compliance with Federal Rule of Civil Procedure 26(f). At the conference, the following dates were established as the final deadlines for:

INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1):

(should be made before the Rule 16(b) conference, or as soon as possible thereafter)

MOTIONS TO JOIN PARTIES:

(within 2 months after conference)

MOTIONS TO AMEND PLEADINGS:

(within 2 months after conference)

MOTIONS TO DISMISS:

(within 3 months after conference)

ALTERNATIVE DISPUTE RESOLUTION:

(a) ADR DEADLINE PURSUANT TO ADR PLAN RULE 4.3(a):

Mediator must file [Mediation Certification Form](#).

(b) SELECTION OF MEDIATOR PURSUANT TO ADR PLAN RULE 5.4(c)2:

MEDIATOR'S NAME:

OR

STIPULATION FILING DEADLINE:

(If the parties fail to agree on a mediator by the stipulation filing deadline, the Court will select a mediator and enter an Order informing the parties of the Court's selection.)

COMPLETING ALL DISCOVERY:

(within 6 to 8 months after conference)

(a) DOCUMENT PRODUCTION AND INTERROGATORIES:

(Same as discovery deadline or at intervals during the discovery period)

(b) DEPOSITIONS AND REQUESTS FOR ADMISSIONS²:

(Same as discovery deadline or at intervals during the discovery period)

(c) EXPERT WITNESS DISCLOSURES (Rule 26):

**(1) DISCLOSURE OF [PLAINTIFF'S/PLAINTIFFS'] RULE 26
EXPERT INFORMATION:**

(2 months before close of discovery)

**(2) DISCLOSURE OF [DEFENDANT'S/DEFENDANTS'] RULE 26
EXPERT INFORMATION:**

(1 month before close of discovery)

(3) EXPERT WITNESS DEPOSITIONS:

(by discovery deadline)

MOTIONS TO EXCLUDE EXPERTS/DAUBERT MOTIONS:

(within 1 month after close of discovery)

² The parties shall serve requests at least 45 days before the deadline to complete written discovery to allow sufficient time for responses by the deadline for completion of discovery.

FILING DISPOSITIVE MOTIONS³:

(within 1 month after close of discovery)

JOINT PROPOSED PRETRIAL ORDER DUE: [Provided by Court at Scheduling Conference.]

(E-Mail Joint Proposed Pretrial Order in Word format to: ECF_Judge_Norris@tnwd.uscourts.gov)

PRETRIAL CONFERENCE DATE: [Provided by Court at Scheduling Conference.]

[NON-]JURY TRIAL: [Provided by Court at Scheduling Conference.] Trial is anticipated to last approximately ____ days.

The parties [do/do not] consent to trial before the Magistrate Judge.

OTHER RELEVANT MATTERS:

As required by Local Rule 26.1(e), the parties have conferred as to whether they will seek discovery of electronically stored information (“e-discovery”) and [have agreed that e-discovery is not appropriate in this case and therefore they will not seek e-discovery] / [have reached an agreement regarding e-discovery and hereby submit the parties’ e-discovery plan for the Court’s approval] / [have not reached an agreement regarding e-discovery and will comply with the default standards described in Local Rule 26.1(e) until such time, if ever, the parties reach an agreement and the Court approves the parties’ e-discovery plan].

[Pursuant to agreement of the parties, if privileged or protected information is inadvertently produced, the producing party may, by timely notice, assert the privilege or protection and obtain the return of the materials without waiver.]

No depositions may be scheduled to occur after the discovery deadline. All motions, discovery requests, or other filings that require a response must be filed sufficiently in advance of the discovery deadline to enable the opposing party to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection that is the subject of the motion, if the default or the service of the response, answer, or objection occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection is waived.

The parties are ordered to engage in ADR before the deadline set forth above. Under ADR Rule 5.11(b) the mediator is to file a Mediation Certification within seven (7) days after the close of the mediation session reporting the date of the session, whether the case settled as a whole or in

³ Please review [Judge Norris’s preferences](#) regarding use of an appendix when submitting materials in support of a motion.

part and whether any follow up is scheduled. Pursuant to Local Rule 16.3(d), within 7 days of completion of ADR, the parties shall file a notice via ECF confirming that the ADR was conducted and indicating whether it was successful or unsuccessful, without disclosing the parties' respective positions at the ADR.

Pursuant to Local Rule 7.2(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall, be accompanied by a proposed order in a word processing format sent to the ECF mailbox of the presiding judge.

Pursuant to Local Rule 7.2(a)(1)(B), the parties are required to consult prior to filing any motion (except motions filed pursuant to Fed. R. Civ. P. 12, 56, 59, and 60).

The opposing party must file a response to any opposed motion. **Pursuant to Local Rule 7.2(a)(2), a party's failure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.**

Neither party may file an additional reply to any motion, other than a motion filed pursuant to Fed. R. Civ. P. 12(b) or 56, without leave of the court. Pursuant to Local Rule 7.2(c), if a party believes that a reply is necessary, it shall file a motion for leave to file a reply within 7 days of service of the response, setting forth the reasons why a reply is required.

This order has been entered after consultation with the parties. Absent good cause shown, the deadlines set by this order will not be modified or extended.

IT IS SO ORDERED, this [DATE] day of [MONTH], [YEAR].

MARK S. NORRIS
UNITED STATES DISTRICT JUDGE